

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GINA NUCATOLA,

Plaintiff,

-against-

SURGE REHABILITATION AND NURSING
LLC., et al.,

Defendants.

AZRACK, United States District Judge:

For Online Publication Only

ORDER

18-CV-5230 (JMA) (ARL)

**FILED
CLERK**

1/10/2020 1:21 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff Gina Nucatola (“Plaintiff”) commenced this action against defendants Surge Rehabilitation and Nursing LLC and Igor Gutnik, M.D. (together, the “Defendants”) on September 17, 2018. (ECF No. 1.) On July 10, 2019, Plaintiff filed a motion to amend the complaint. (ECF No. 18.) Magistrate Judge Lindsay issued a report and recommendation dated November 7, 2019, recommending that Plaintiff’s motion be denied (the “R&R”). (ECF No. 23.) Plaintiff filed a timely objection to the R&R, (ECF No. 26), to which Defendants filed an opposition. (ECF No. 27.)

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a de novo review of the record, the R&R, and Plaintiff's objections. I agree with Judge Lindsay's finding in the R&R that the good cause standard in Rule 16(b) of the Federal Rules of Civil Procedure has not been met. Accordingly, I find it unnecessary to address Plaintiff's objections concerning futility. The Court thus adopts Judge Lindsay's ruling denying Plaintiff's motion to amend the complaint.

Furthermore, as Defendants filed a pre-motion conference letter seeking leave to move for summary judgment, (ECF No. 29), the parties' January 23, 2020 deadline to file a joint proposed pretrial order is hereby stayed pending any dispositive motion practice. In accordance with my individual rules, Plaintiff shall respond to Defendants' pre-motion conference letter within seven days.

SO ORDERED.

Dated: January 10, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE